



N.E. #8/13
8-13-02

Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2615

PATENT
ATTORNEY DOCKET NO. 041465-5061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Tadashi NOGUCHI *et al.*)

Application No.: 09/266,780)

Filed: March 12, 1999)

For: INFORMATION RECORDING)
APPARATUS, INFORMATION)
RECORDING AND REPRODUCING)
APPARATUS AND RECORD MEDIUM)

BOX AF

Group Art Unit: 2615

Examiner: C. Onuaku

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Technology Center 2600

Commissioner for Patents
Washington, D.C. 20231

Sir:

AMENDMENT UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated March 13, 2002 (Paper No. 7), the period of response to which having been extended through August 13, 2002 by the request for a two-month extension of time and fee filed concurrently herewith, entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.

In the Claims:

Please cancel claims 13 and 20 without prejudice or disclaimer.

Please amend claims 10, 14, 17, and 21 as follows:

10. (Amended) A recordable medium comprising:

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02 FC:116 400.00 CH



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: C. Onuaku

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Commissioner for Patents
Washington, D.C. 20231

Sir:

AMENDMENT UNDER 37 C.F.R. § 116 TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the final Office Action dated March 13, 2002.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|--|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input checked="" type="checkbox"/> two months | \$ 400.00 | \$ 200.00 |
| <input type="checkbox"/> three months | \$ 920.00 | \$ 460.00 |
| <input type="checkbox"/> four months | \$ 1,440.00 | \$ 720.00 |

Extension of time fee due with this request: \$400.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|--------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 12 | minus | 20 | 0 | x \$18 each= | + \$ |
| Independent Claims (37 C.F.R. §1.16(b)) | 4 | minus | 3 | 1 | x \$84 each= | + \$ 84.00 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$280.00 | + \$ |
| SUB-TOTAL = | | | | | | \$ 84.00 |
| Reduction by ½ for filing by a small entity | | | | | | - \$ |
| TOTAL FEE = | | | | | | \$ 84.00 |

6. Fee Payment

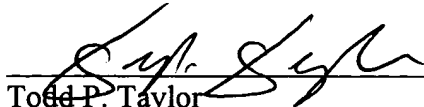
- ☐ No fee is to be paid at this time.
- ☒ Please charge our deposit account in the amount of \$484.00 for a 2 month extension of time fee and additional claims fee. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: August 13, 2002

By:


Todd P. Taylor
Reg. No. 48,513

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202-739-3000
Facsimile: 202-739-3001